

# **EXHIBIT B**

**From:** Peter Andrews <pandrews@theharmanfirm.com>  
**Sent:** Tuesday, May 14, 2013 5:43 PM  
**To:** D'Ablemont, Eugene  
**Subject:** Re: Justiniano v. Phoenix Beverages

On Tue, May 14, 2013 at 5:38 PM, Peter Andrews <pandrews@theharmanfirm.com> wrote:  
Dear Mr. D'Ablemont,

I have reviewed your May 10, 2013 letter to my colleague Walker Harman in this matter (*Justiniano v. Phoenix Beverages*)

We strongly disagree with your contention that the plaintiffs' complaint is frivolous, and we also take issue with your unilateral demand that we advise you of whether we will be withdrawing the complaint by May 17, 2013 (that is one week from the date of your letter)

Please note that there are well-established procedures for requesting an opposing party to withdraw a complaint, and you have completely failed to follow those procedures, despite invoking Fed. R. Civ. P. 11.

I have attached a defense oriented article from the NY Law Journal for your review.

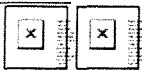
[www.dechert.com/files/Publication/e56df8bf-4948-4128-999e-8eb7e6ec116e/Presentation/PublicationAttachment/2990073f-ca67-4a22-8c95-ade8dfa9635f/07081221%20Dechert.pdf](http://www.dechert.com/files/Publication/e56df8bf-4948-4128-999e-8eb7e6ec116e/Presentation/PublicationAttachment/2990073f-ca67-4a22-8c95-ade8dfa9635f/07081221%20Dechert.pdf)

In the meantime, please be advised that we have no intention of discontinuing this action, nor do we believe that any "safe harbor" window of time is currently running.

I suggest you read Fed. R. Civ. P. 11 before threatening us with it.

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